



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

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WA 2302
146
2-17-99

RECEIVED

FEB 18 1999

"RCRA/TSDF"
"Permit" Team

FILE COPY

Reply To
Attn Of: ORC-158

February 17, 1999

VIA TELEFAX & FIRST CLASS MAIL

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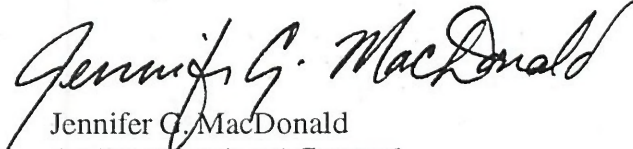
Re: Rhone-Poulenc Inc. Marginal Way Facility,
Administrative Order on Consent for Corrective Action ("Order")
Docket No. 1091-11-20-3008(h)
First Amendment

Dear Counsel:

Enclosed please find a copy of the executed version of the First Amendment to the Administrative Order on Consent for Corrective Action ("Amendment") for your files. The original has been submitted to the EPA Regional Hearing Clerk for filing.

If you have any questions, please contact me at (206) 553-8311.

Sincerely,


Jennifer G. MacDonald
Assistant Regional Counsel

Enclosure

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CONCURRENCES						
Initials:	JSM	AB	CB	KAO	JES	
Name:	J. MacDonald, ORC	A. Boyd, ORC	C. Brown RCRA Permits	K. Ogle RCRA Enforcement	J. Sikorski RCRA Enforcement	
Date:	2/3/99	2/4/99	2-3-99	2-3-99	2-10-99	

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2 REGION 10
3 1200 SIXTH AVENUE
4 SEATTLE, WASHINGTON

5 IN THE MATTER OF:)

6 Rhone-Poulenc Inc.)
7 (now known as Rhone-Poulenc Ag Company Inc.))
8 Rhodia Inc.)
9 Container Properties, L.L.C.)
10 Marginal Way Facility)
11 Seattle, Washington)
12 (WAD009282302))

U.S. EPA Docket No.
1091-11-20-3008(h)

Respondents)

Proceeding Under Section 3008(h) of the
Solid Waste Disposal Act, commonly known
as the Resource Conservation and Recovery
Act, as amended, 42 U.S.C. § 6928(h)

13 FIRST AMENDMENT TO
14 ADMINISTRATIVE ORDER ON CONSENT
15 FOR CORRECTIVE ACTION

16 1. This Amendment modifies the Administrative Order on Consent ("Consent Order") for
17 Corrective Action Activities at the former Rhone-Poulenc Inc. Marginal Way Facility ("Facility") in
18 Seattle, Washington, pursuant to Section XXIV of the Consent Order (Modification).

19 2. The Consent Order was entered into by the United States Environmental Protection
20 Agency ("EPA") and Rhone-Poulenc Inc. on May 6, 1993.

21 3. On February 12, 1998, EPA received written notice that ownership of the Facility had
22 been transferred to Rhodia Inc. In accordance with Paragraph 2.2 of the Consent Order, despite the
23 change in ownership of the Facility, Rhone-Poulenc Inc. remains liable for the requirements of the
24 Consent Order.

25 4. On July 13, 1998, the Facility was purchased by Container Properties, L.L.C.

26 5. As successor owners of the Facility, Rhodia Inc. and Container Properties, L.L.C. are

27 Amendment to AOC for Corrective Action
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1 liable for the requirements of the Consent Order, in accordance with Paragraph 2.1 of the Consent
2 Order.

3 6. In order to reflect the changes in ownership of the Facility, the following changes are
4 hereby made to the Consent Order¹:

5 Paragraph 1.2 of the Consent Order:

6 This Consent Order is issued jointly and severally to Rhone-Poulenc Inc., now known
7 as Rhone-Poulenc Ag Company Inc., ("RPI"), (~~Respondent~~), and Rhodia Inc., former
8 owners and former controlling entities, and Container Properties, L.L.C., the current
9 owner and controlling entity of the former RPI facility located at 9229 East Marginal
10 Way South, Tukwila, Washington (RPI, Rhodia Inc. and Container Properties, L.L.C.
11 are herein referred to jointly and severally as "Respondent").

12
13 Paragraph 4.1 of the Consent Order:

14 Respondents RPI and Rhodia Inc. are the former owners and operators, and
15 Respondent Container Properties L.L.C. is the current owner and operator of a
16 hazardous waste facility. . . Washington. Until its closure in April, 1991, Respondent
17 RPI engaged in the storage. . . .

18
19 The second sentence of Paragraph 4.2 of the Consent Order:

20 Respondent RPI purchased the Facility in October of 1986, and operated the Facility
21 until April of 1991, when the Facility ceased operations. On January 2, 1998, the
22 Facility was transferred from RPI to Rhodia Inc. On July 13, 1998, Container
23 Properties, L.L.C. purchased the Facility, and is currently operating the Facility.

24
25
26 ¹Additions are marked by redline, deletions are marked by strike-out.

1 The definition of the term "Respondent" as defined on page 7, Paragraph 33 of the Consent
2 Order is modified as follows:

3 Respondent shall mean Rhone-Poulenc Inc. (now known as Rhone-Poulenc Ag
4 Company Inc.) ("RPI"), Rhodia Inc. and Container Properties, L.L.C.

5
6 The heading for Paragraph 23.1 of Section XXIII (Financial Responsibility) of the Consent
7 Order is retained and the text of that Paragraph is stricken and replaced with the following language:


8 Within thirty (30) days of entry of this Consent Order, Respondent shall establish and
9 maintain financial security in the amount of \$ 7 million. The mechanism(s) for
10 obtaining and demonstrating financial assurance for corrective action must be one of
11 the forms and in the manner specified in Paragraphs (a) through (f) of 40 C.F.R. §
12 265.143. Respondent shall submit documentation, as described in Paragraphs (a)
13 through (f) of 40 C.F.R. § 265.143, of such financial assurance to EPA within seven
14 (7) days after establishment of the financial assurance.

15 The first two sentences of Paragraph 23.2 beginning on line 11 and ending on line 20 are
16 stricken. The last two sentences of Paragraph 23.2 remain unchanged.

17 7. The parties agree that one Project Coordinator will represent all companies subject to the
18 Consent Order.

19 8. This First Amendment to the Administrative Order on Consent for Corrective Action is
20 effective on the date signed by EPA, Region 10's Director of the Office of Waste and Chemicals
21 Management.

22 IT IS SO AGREED AND ORDERED

23 BY: 
24 Michael A. Bussell, Director
25 Office of Waste and Chemicals Management
26 United States Environmental Protection
Agency, Region 10

DATE: 2-17-99

27 Amendment to AOC for Corrective Action
28 Rhone-Poulenc Inc.
EPA Docket No. 1091-11-20-3008(h)

1 The undersigned representative of party to this First Amendment to the Consent Order for a
2 Corrective Action Activities at the former Rhone-Poulenc Inc. Marginal Way Facility, at 9229 East
3 Marginal Way South, Seattle, Washington, certifies that he or she is fully authorized to enter into the
4 terms and conditions of this Amendment and to execute and legally bind such party to this
5 document.

6 CONTAINER PROPERTIES, L.L.C.

7 BY:  _____

8 DATE: 02/11/99

9 Name [please type]: Richard J. Padden

10 Title [please type]: Member

11 Address [please type]: 1216 - 14th Court East
12 Sumner, WA 98390

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27 Amendment to AOC for Corrective Action
28 Rhone-Poulenc Inc.
EPA Docket No. 1091-11-20-3008(h)

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3 Marginal Way South, Seattle, Washington, certifies that he or she is fully authorized to enter into the
4 terms and conditions of this Amendment and to execute and legally bind such party to this
5 document.

6
7 FOR RHONE POULENC AG COMPANY INC. (FORMERLY RHONE-POULENC INC.):

8 BY: John M. Iatesta

DATE: February 12, 1999

9 Name [please type]: John M. Iatesta

10 Title [please type]: Assistant Secretary

11 Address [please type]: CN7500
12 Cranbury, NJ 08512-7500
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27 Amendment to AOC for Corrective Action
28 Rhone-Poulenc Inc.
EPA Docket No. 1091-11-20-3008(h)

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3 Marginal Way South, Seattle, Washington, certifies that he or she is fully authorized to enter into the
4 terms and conditions of this Amendment and to execute and legally bind such party to this
5 document.

6 FOR RHODIA INC.:

7 BY: 

DATE: February 12, 1999

8 Name [please type]: John P. Donahue

9 Title [please type]: Senior Vice President, General Counsel & Secretary

10 Address [please type]: CN7500
11 Cranbury, NJ 08512-7500

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28 Rhone-Poulenc Inc.
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